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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,980	02/09/2004	Elizabeth M. Doherty	A-824	1288

7590

12/28/2005

U.S. Patent Operations/RVP  
Dept. 4300, M/S 27-4-A  
AMGEN INC.  
One Amgen Center Drive  
Thousand Oaks, CA 91320-1799

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1625

### DETAILED ACTION

1. The appeal brief filed on Nov. 14, 2005 is unacceptable. Please note that the line of demarcation between appealable matters for the Board of Patent appeals and Interferences (Board) and petitionable matters for the commissioner of Patents and Trademarks should be carefully observed (MPEP 1201). The Board will not entertain issues on propriety of restriction which is a petitionable subject matter (MPEP 1000).

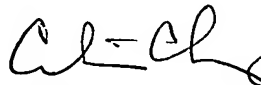
Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a)**, but the period for response set in the last office action may be extended up to a maximum of six months.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celia Chang whose telephone number is 571-272-0679. The examiner can normally be reached on Monday through Thursday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang, can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OACS/Chang  
Dec. 12, 2005



Celia Chang  
Primary Examiner  
Art Unit 1625